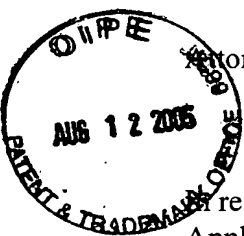


8-15-05

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Attorney Docket No. 5470-397

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: **Lee et al.**

Confirmation No.: **2599**

Application Serial No.: **10/712,663**

Group Art Unit: **1625**

Filed: **November 13, 2003**

Examiner: **Owens**

For: **Water-Soluble Etoposide Analogs and Methods of Use Thereof**

Date: August 12, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUBMISSION OF TERMINAL DISCLAIMER
UNDER 37 C.F.R. § 1.321(b)**

Sir:

Applicant hereby submits the enclosed Terminal Disclaimer Under 37 C.F.R. § 1.321 for the above referenced application. The Examiner is authorized to charge Deposit Account No. 50-0220 for the \$130.00 fee required under 37 C.F.R. § 1.20(d).

08/16/2005 EFLORES 00000086 500220 10712663
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Respectfully submitted,

Kenneth D. Sibley
Registration No. 31,665

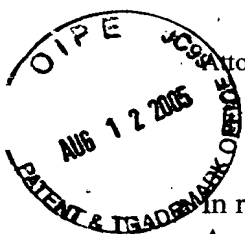
USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

CERTIFICATE OF EXPRESS MAILING UNDER 37 CFR 1.10

Express Mail Label No.: **EV675793818 US**
Date of Deposit: **August 12, 2005**

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: **Mail Stop Amendment**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Amelia Tauchen



Attorney Docket No. 5470-397

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: **Lee et al.**

Confirmation No.: **2599**

Application Serial No.: **10/712,663**

Group Art Unit: **1614**

Filed: **November 13, 2003**

Examiner: **Not Yet Known**

For: ***Water-Soluble Etoposide Analogs and Methods of Use Thereof***

Date: August 12, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321

Sir:

I, Kenneth D. Sibley, am an attorney of record of the disclaimant, The University of North Carolina at Chapel Hill, and am authorized to execute this disclaimer on behalf of The University of North Carolina at Chapel Hill. The disclaimant, The University of North Carolina at Chapel Hill, having a principal place of business at 308 Bynum Hall, Campus Box 4105, Chapel Hill, North Carolina, is the owner of all right, title, and interest in the above-identified application.

The disclaimant hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. §§154 - 156, §173, and any other relevant statutory provision of U. S. Patent Number 6,566,393 issued May 20, 2003 (Attorney Docket No. 5470.369), as presently shortened by any terminal disclaimer, which patent was assigned to the above-identified disclaimant by an Assignment recorded on September 9, 2002, and recorded at Reel 013272, Frame 0616.

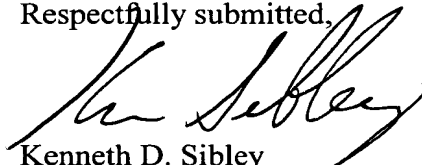
Disclaimant further agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the patent granted on the above-identified application and U. S. Patent Number 6,566,393 issued May 20, 2003 are commonly owned. This agreement runs with any patent granted on the above-identified application, and is binding upon the grantee, its successors, or assigns.

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application that is prior to the expiration date of the full

In re: Lee et al.
Serial No.: 10/712,663
Filed: November 13, 2005
Page 2

statutory term as defined in 35 U.S.C. §§154 - 156 and §173 of U. S. Patent Number 6,566,393 issued May 20, 2003 (Attorney Docket No. 5470.369), as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any matter terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer.

Respectfully submitted,



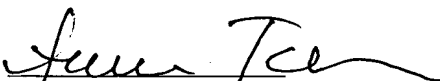
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Amelia Tauchen